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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/966,900 | 09/28/2001 | Yasuo Endo | 01609/LH | 5737 |

1933 7590 04/19/2005

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EXAMINER

BRINICH, STEPHEN M

ART UNIT PAPER NUMBER

2624

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 09/966,900 | Applicant(s) ENDO ET AL. | |
| | Examiner Stephen M Brinich | Art Unit 2624 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-26 is/are rejected.
- 7) ☒ Claim(s) 14 and 15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>9/28/01, 9/25/03</u> . | 6) <input type="checkbox"/> Other: ____ |

Art Unit: 2624

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-8, 10, 12, & 16-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Ota (US 6437797).

Re claims 1-2, 6-7, 10, & 24-25, Ota discloses (Abstract; Figures 1, 3 & 6-7; column 3, lines 1-56; column 4, line 64 - column 5, line 30) an image pick-up and management arrangement in which images are picked up and output by a digital camera (12) and associated image location information is obtained and output by a GPS receiver (14). These images and associated image location information are then stored in a memory (16). The images are classified into groups (albums), and names are assigned to the albums in accordance with the image location information associated with an image or images therein.

Art Unit: 2624

Re claim 3, Ota further discloses (Figure 7) a display for displaying the album name.

Re claims 4-5 & 8, Ota further discloses (Figure 3; column 4, lines 28-52) the storage of the above described album names associated with the albums as folder names.

Re claims 8 & 12, Ota further discloses (Figures 3 & 9; column 4, lines 28-52; column 5, lines 53-61) the storage of individual image files with corresponding file names related to the image location data.

Re claims 16-23, Ota further discloses (Figures 5, 9, & 13; column 3, lines 42-49; column 5, lines 53-61; column 6, line 49 - column 7, line 7) an arrangement for selecting images for classification into a given album. In this process, a map display (66, 86) is generated from a stored map including symbol displays (66A, 86A, 86B) indicative of image pick-up locations. The scope of the map may be manually selected by using the change-scale button (86C), and the desired scope of images to be classified into the album is selected by the user. The selected images are then classified into the album and stored.

Re claim 26, Ota further discloses (Figure 1; column 3, lines 39-56) the implementation of this arrangement by means of a computer executing a program (which must inherently be stored

Art Unit: 2624

in some computer-readable medium in order for the computer to so function).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 9, 11, & 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ota.

Re claims 9, 11, & 13, Ota describes (Figure 13) user selection of the album name, with an example of an album name denoting the general region of the associated map of image pickup locations, but does not specify the use of a particular image name, such as the image with the oldest image pick-up date or the average position of those on the map for selection to provide the album name.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to select the album name from the image location information in accordance with a set

Art Unit: 2624

rule. The suggestion/motivation for doing so would have been to avoid the need for the user to make a selection.

Allowable Subject Matter

5. Claims 14-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

Re claim 14 (and dependent claim 15), the art of record does not teach or suggest the recited pairwise distance measurement criterion for classifying items of image data in conjunction with the recited arrangement of image classification into albums identified by location data.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Soults et al discloses an example of stored collections of images associated with location information.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 571-272-7430. The examiner can normally be reached on weekdays 7:00-4:30, alternate Fridays off.

Art Unit: 2624


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center 2600 Customer Service center at 571-272-2600 or to the USPTO Contact Center at 800-786-9199 or 703-308-4357.

If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor David Moore can be contacted at 571-272-7437.

Faxes pertaining to this application should be directed to the Tech Center 2600 official fax number, which is 703-872-9306.

Hand-carried or courier-delivered correspondence pertaining to this application should be directed to

US Patent and Trademark Office
220 South 20th Street
Crystal Plaza Two, Lobby, Room 1B03
Arlington VA 22202


Stephen M Brinich
Examiner
Art Unit 2624

smb
April 15, 2005